

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-003613

05/10/2012

HONORABLE THOMAS L. LECLAIRE

CLERK OF THE COURT
L. Berger
Deputy

IN RE THE MATTER OF
CHRISTIAN G AYALA TALAMANTES

GEORGE A PENA

AND

ORALIA DIAZ

ORALIA DIAZ
1802 W CHOLLA ST APT 110
PHOENIX AZ 85029

CITS - CCC SPANISH

MINUTE ENTRY

Courtroom CCB 501

Prior to the commencement of this proceeding, Christian G. Ayala Talamantes and Oralia Diaz are sworn.

1:41 p.m. This is the time set for Return Hearing with regard to Respondent's April 24, 2012 Petition to Modify Child Custody, Parenting Time and Child Support. Petitioner/Father, Christian G. Ayala Talamantes, is present with counsel, George A. Pena. Respondent/Mother, Oralia Diaz, is present on her own behalf. Francisco Chairez of Court Interpretation and Translation Services is present interpreting the proceedings into Spanish on behalf of Christian G. Ayala Talamantes.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court regarding the status of the case.

Based upon the discussion held,

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IT IS ORDERED setting an Evidentiary Hearing on August 9, 2012 at 10:30 a.m. (90 minutes allowed) in this Division before:

**The Honorable Thomas L. LeClaire
Maricopa County Superior Court
Central Court Building
201 W. Jefferson
5th Floor, Courtroom 501
Phoenix, AZ 85003**

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

2. **Pretrial Statements.** The parties shall file and provide this Division with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.

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d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.

e. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded.

f. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.

g. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Trial Exhibits.** No less than **FIVE (5)** business days prior to hearing, the parties and, if represented, counsel shall exchange and provide TO THE CLERK OF THIS DIVISION **any exhibits they shall seek to admit into evidence.** All exhibits must be clearly identified, **SEPARATED BY A COLORED sheet AND hand delivered to this Division NO LATER THAN FIVE (5) BUSINESS DAYS prior to hearing. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No hearing exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking.

DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.

NOTE: We do NOT hold spots for supplemental exhibits.

The parties should also provide a copy of exhibits to the judge on the day of the trial. This allows the judge to see the exhibits at the same time they are being presented to witnesses.

4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

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6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they may contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

8. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

1:48 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.